

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS *ex*
rel. [UNDER SEAL],

Plaintiff,

v.

[UNDER SEAL],

Defendants.

FILED
IN CLERK'S OFFICE
2018 OCT 24 AM 11:51
48-1
39-1
FILED UNDER SEAL pursuant to
M.G.L. c. 12 § 5(C)(3).

CIVIL ACTION NO.
1:18-cv-11336-FDS

[FILED UNDER SEAL]

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS
ex rel. MYKEL POWELL and
COMMONWEALTH SECOND AMENDMENT,
INC.; and MYKEL POWELL,

Plaintiffs,

v.

SGT. BRIAN HOLMES, in his Individual and
Official Capacity as Sergeant of the Stoughton
Police Department; JAMES O'CONNOR, in his
Individual and Official Capacity as Deputy Chief of
the Stoughton Police Department; DONNA M.
McNAMARA, in her Individual and Official
Capacity as Chief of the Stoughton Police
Department; and VILLAGE GUN SHOP, INC.
d/b/a VILLAGE VAULT,

Defendants.

FILED UNDER SEAL pursuant to
M.G.L. c. 12 § 5(C)(3).

CIVIL ACTION NO.
1:18-cv-11336-FDS

NOTICE OF ELECTION TO DECLINE INTERVENTION

Pursuant to Mass. Gen. Laws c. 12, § 5C(4), the Commonwealth of Massachusetts hereby notifies the Court of its decision not to intervene in this action.

Although the Commonwealth declines to intervene, we respectfully refer the Court to G.L. c. 12, §§ 5D(6) and 5C(2), which allow the Relator to maintain the action in the name of the Commonwealth, provided, however, that “[t]he action may be dismissed only if the attorney general gives written reasons for consenting to the dismissal and the court approves the dismissal.”

The Commonwealth reserves its rights pursuant to G.L. c. 12, § 5D(6) to order deposition transcripts and to intervene at a later date upon a showing of good cause.

Contemporaneous with service of this Notice, the Commonwealth has requested Relator serve on the Commonwealth a copy of all filed pleadings in the action. *See* Mass. Gen. Laws c. 12, § 5D(6) (“If the attorney general so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the attorney general’s expense.”).

Respectfully submitted,

THE COMMONWEALTH OF
MASSACHUSETTS

By its attorney:
MAURA HEALEY
ATTORNEY GENERAL



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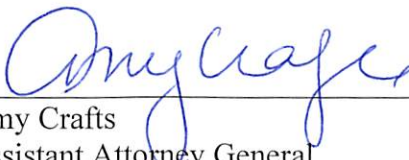
Date: October 24, 2018

CERTIFICATE OF SERVICE

I, Amy Crafts, hereby certify that a true copy of the above document was served via first class mail on October 24, 2018, to the following:

Margarita Smirnova, Esq.
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Amy Crafts
Assistant Attorney General